

Final

Montana DNRC Forested Trust Lands Habitat Conservation Plan and Environmental Impact Statement

Scoping Report

Prepared for

U.S. Fish and Wildlife Service

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1. INTRODUCTION

The Trust Lands Division of the Montana Department of Natural Resources and Conservation (DNRC) has begun the planning process to develop a voluntary habitat conservation plan (HCP) for forest management activities on state trust lands that are habitat for species currently listed or having the potential to be listed under the Endangered Species Act. The HCP is part of the application for obtaining an incidental take permit from the U.S. Fish and Wildlife Service (USFWS). The HCP would address the effects to species from DNRC's forest management activities on 700,000 acres of forested state trust lands.

The incidental take permit would authorize take of federally listed threatened and endangered species in accordance with the Endangered Species Act of 1973 as amended, and other species of concern should they become listed in the future. The incidental take permit would be in effect for 50 years. The DNRC intends to request a Permit for the following species:

- gray wolf,
- grizzly bear,
- bald eagle,
- Canada lynx,
- bull trout
- wolverine,
- fisher,
- northern goshawk,
- black-backed woodpecker,
- pileated woodpecker,
- flamulated owl, and
- westslope cutthroat.

The forest management activities that would be covered by the Permit include the following:

- timber harvest,
- salvage harvest,
- thinning,
- slash disposal,
- prescribed burning,
- site preparation,
- reforestation,
- weed control,
- road construction,
- road maintenance,

- forest inventory,
- monitoring,
- grazing,
- gravel quarrying,
- fertilization,
- electronic facility sites, and
- other activities common to commercial forest management.

Associated with the HCP is an environmental impact statement (EIS) that will address the affects of the proposed incidental take permit on the environment. In compliance with their responsibilities to the National Environmental Policy Act (NEPA) and the Montana Environmental Policy Act (MEPA), the DNRC and the USFWS provided notice to the public to advise agencies and the public their intentions to hold a 60-day scoping period for the proposed HCP and EIS to gather public comments on the proposed action. The information collected from scoping will be used to help determine if the species list for the HCP is adequate, whether the permit period of 50 years is acceptable, if the proposed forest management activities are sufficiently addressed, and whether the geographic range for the HCP is appropriate. Comments acquired from scoping will be used to identify resource information that should be included in the EIS, key issues, and proposed alternatives.

This scoping report describes the comments received from the public and from internal DNRC agency comments obtained during the scoping period. Included are verbal and written comments.

2. PUBLIC NOTICE

Public scoping for the DNRC Forested Trust Lands HCP and EIS commenced with publication of the Notice of Intent (Appendix A) on April 28, 2003. A project scoping brochure was also sent out to addresses on DNRC and U.S. Fish and Wildlife Service's (USFWS) mailing lists (Appendix B). The mailing list for the notices consisted of 285 individuals, agencies, private businesses, and non-governmental organizations (Appendix C). Invitations to attend public meetings were also advertised in local newspapers (Appendix D). Public scoping meetings were held during the evenings on April 28 (Helena), April 29 (Bozeman), May 12 (Kalispell), and May 13 (Missoula). Total attendance at the public scoping meetings was 45 individuals (those that signed in) at the four meetings. The meeting forums included both an open house format, as well as a Power Point presentation with an overall description of the planned HCP process for the DNRC state trust lands (Appendix F). DNRC staff involved in the HCP offered the attendees an opportunity to submit verbal comments using a tape recorder that was present at each of the meetings. No comments were provided for tape recording, but the public did ask questions about the project and expressed some concerns about the approach they expected DNRC to follow in the process. Sign-in sheets for public meetings are provided in Appendix E.

Internal Montana DNRC scoping meetings were also held during afternoons at DNRC offices in Helena (April 28), Kalispell (May 12), and Missoula (May 13). Questions asked during these meetings, as well as agency comments, are provided in Appendix G. Written comments from internal agency staff are provided in Appendix H. Public comment was received in writing throughout the scoping period (through June 23, 2003), and is provided in Appendix H.

This scoping report summarizes comments received during the public and internal scoping meetings, and from letters sent to the DNRC and USFWS.

3. OVERVIEW OF COMMENTS RECEIVED

Written comment letters and emails were received during the scoping period including 19 letters and emails from the public:

- **Federal Agencies:** One letter was received from the U.S. Environmental Protection Agency (USEPA).
- **State Agencies:** One letter was received from Montana Fish, Wildlife, and Parks (FWP).
- **Organizations:** A total of four letters were received from the Montana Old Growth Project, Friends of the Wild Swan, Alliance for the Wild Rockies, and Montana Trout Unlimited.
- **Individuals:** A total of eight letters and emails were received from private individuals.
- **DNRC Staff:** Five letters, email comments, and memoranda were received from Montana DNRC staff.

Letters were identified from environmental organizations only if the official letterhead from the organization was provided on the letter.

Two letters were received outside of the scoping period by environmental organizations: Defenders of Wildlife and Swan View Coalition.

Generally, scoping comments were directed towards questions about the HCP and EIS process and elements that should be considered during preparation of the HCP and EIS. The most cited categories of comments concerned the following:

- questions on the HCP and EIS processes;
- reasoning for development of an HCP and its associated permit period;
- Montana DNRC activities that will be addressed in the HCP;
- how the HCP will affect existing grizzly bear conservation agreements; and
- the affect of the HCP on existing and future road closures.

Commenters were generally adverse to state road closures due to resulting effects on public access and recreational opportunities. Based on the comments received, the public wanted to learn more about the benefits of an HCP, how an HCP might affect trust revenues, and whether it is advantageous for the state of Montana to pursue an HCP.

4. CATEGORICAL DESCRIPTION OF COMMENTS

4.1 VERBAL COMMENTS

4.1.1 Public Comments at Meetings

Helena

The Helena public meeting was attended by three staff members of the Montana State Board of Land Commissioners. Rather than comment on the project, these three individuals asked questions to learn more about the project. The questions included affects on state revenues, reasoning for the HCP, whether there might be different HCP requirements on different trust land areas, the HCP cost, land area covered by the HCP, the definition of adaptive management, the overall history and success of HCPs, implementation of monitoring, and integration of HCPs with the No Surprises Rule.

Bozeman

The Bozeman public meeting was attended by one individual who asked questions about the HCP, as well as specific Montana DNRC state land access problems that he was having.

Kalispell

The Kalispell public meeting consisted of more attendees (36 people signed in) who indicated that they did not support Montana DNRC obtaining an incidental take permit from the USFWS for a variety of reasons. Several individuals were concerned that the state may then be liable for conservation measures that might be similar to logging restrictions that the Forest Service currently has on National Forest lands. Individuals were also concerned about a potential bias in report preparation for the species accounts. There was also substantial concern about road closures. Several individuals did not want additional road closures as a result of the HCP due to road closure effects on public recreational access and activities.

Other commenters at the Kalispell meeting questioned the reasoning for the HCP. They stated that the current Montana Environmental Protection Act (MEPA) process was successful and, therefore, there was no advantage to have an HCP on state forested lands. In addition, individuals did not understand how the legislature or the State Land Board might be involved in supporting the HCP or providing legislative oversight. Was the process sanctioned, and who would ultimately decide if an HCP is needed for classified forested lands? Another individual questioned how funds were obtained for the HCP, the overall HCP cost, and whether these funds were obtained from tax dollars. One individual wanted a company located in the state of Montana to help prepare the HCP. Other questions concerned how mitigation measures would be implemented, why a 50-year permit was selected, and whether a biological opinion would be needed for this HCP.

Missoula

The Missoula public meeting was attended by one citizen representing Trout Unlimited, one USEPA agency representative, and one individual with wildlife biology experience. These people were familiar with HCPs and they commented on what the HCP process should involve. One person stated that the level of take for each species must be identified, and it must be demonstrated and documented how DNRC has minimized and mitigated to the extent practicable. He recommended that an alternative be developed that avoids take all together. Another person wanted to know if bull trout would be used as a surrogate HCP species (representing other fish species), and, if so, why? One individual asked how the state could maximize revenues while minimizing take.

One person stated that Montana DNRC needs a liaison with the legislature. The USEPA representative asked how the total maximum daily load (TMDL) process and the Clean Water Act are included in the HCP process. Another individual asked how the HCP would affect recreation on state lands, as well as public access to state lands.

Other questions concerned HCP costs, the purpose of monitoring, coordination with other state divisions, and the process that will be used to consider cumulative effects on state checkerboard lands.

4.1.2 Internal Montana DNRC Comments at Meetings

At the Helena Montana DNRC meeting, questions were asked by Montana DNRC staff that included reasoning for a 50-year permit, whether arctic grayling will be included, how specific forest management activities will be addressed, the overall HCP process, sharing of information among internal Montana DNRC staff, how lands would be sold under the HCP, and how publicly developed state lands would be included in the HCP.

At the Montana DNRC Kalispell meeting, questions were asked concerning: sustainability calculations, fire, the overall process for changing the Administrative Rules for HCP inclusion, the potential for litigation, cumulative effects considering the checkerboard state land ownership, the need for field surveys, and the potential for litigation and future risk. Other questions asked included federal delisting of an HCP species and whether the species would then be dropped from the HCP, how staff would be involved in the HCP, and HCP effects to existing roads. Another question asked was whether NEPA and MEPA would proceed simultaneously, and how the existing conservation agreements would be integrated into the HCP.

The Missoula Montana DNRC meeting included questions on species covered under the HCP, time commitment of Montana DNRC staff, and the overall process. For wildlife, staff asked why species that were not federally listed were covered, how species can be added to the HCP at a later time, what wildlife models might be used, and whether wildlife models would be ground truthed. Other staff asked about the approach that will be taken for the HCP species analysis and whether foraging, breeding, or dispersal habitat would be provided under the HCP.

One staff person asked who would be the decision maker for the HCP, how the HCP rules and conservation strategies will be selected, and how the Land Board would be involved. Other staff asked about lands that are used for recreation, subdivisions, and grazing, and how these activities will be covered under the HCP. One individual asked how existing conservation agreements would be covered under the HCP.

Questions were asked on conflicts and priorities, particularly concerning public safety and wildland/urban interface. Specific questions were also asked on HCP monitoring and how monitoring will be implemented.

Another staff person asked who was on the HCP team (Montana DNRC staff) and the time commitment of specific Montana DNRC staff for the HCP. Land Board involvement was also questioned.

An additional question asked was whether private landowners will have the opportunity to enter into this HCP agreement, and what types of communications will occur with private landowners.

4.2 WRITTEN COMMENTS

Provided below is a summary of the comments received from agencies and the public on the proposed HCP. This summary was developed from the letters received as provided in Appendix H. For clarification or more detailed background on statements provided in this summary, please refer directly to the letters in Appendix H.

4.2.1 Comments Received From the Public

4.2.1.1 Economic Viability

Montana FWP was concerned that the HCP might be limited due to Montana DNRC's fiduciary obligations to the trust beneficiary. The agency wants to ensure that the HCP helps to recover threatened and endangered species and avoids additional species from being listed in the future. Montana FWP stated that proper management of habitat for threatened and endangered species contributes to Montana DNRC's long-term fiduciary obligations. The US EPA requested a full economic analysis and tradeoffs.

4.2.1.2 Environmental Protection

Take

Montana FWP requested that the description of "take" be explicit and quantifiable. The agency stated that the State Forest Land Management Plan (SFLMP) used ambiguous terms without quantification. Trout Unlimited also mentioned that the HCP should include a definition of anticipated incidental take. Friends of the Wild Swan stated that the HCP should include the impact that operations impose on the HCP species and that takings should be minimized and mitigated to the maximum extent practicable, which is a comment also brought forth by Alliance for the Wild Rockies.

Species Concerns

Friends of the Wild Swan provided information on factors that contribute to the decline of bull trout. The organization wanted to ensure that the HCP would contribute to the availability of bull trout corridors and habitat connectivity. Montana FWP requested that the conservation agreement for westslope cutthroat trout and the Bull Trout Restoration Plan remain in place with the HCP. Friends of the Wild Swan requested that grizzly bear habitat conservation measures are included in the HCP, as well inclusion of all ongoing conservation agreements. The organization also requested consistent standards for grizzly bears across all Montana DNRC lands. The organization requested that there be no gradual elimination of wildlife species dependent upon snags and downed logs, and that a comprehensive old-growth habitat management strategy for wildlife be included in the HCP. Also requested were surveys for woodpeckers, migratory birds, and owls to ensure that harvest avoids nest trees.

Trout Unlimited requested that detailed information on each HCP species be included, and that, if not enough information was available on a species presence, occurrence, habitat usage, and population, then the species should not be included in the permit. Another individual requested that unlisted species are not included in the HCP.

The USEPA provided specific direction on how wildlife, TES species, and biodiversity should be addressed in the EIS. The agency also desired to ensure HCP coordination with Montana FWP. The USEPA requested that the DEIS contains the biological assessment for the listed species, and the FEIS contains the USFWS's biological opinion. The USEPA wanted to ensure that the FEIS and ROD are not completed prior to the completion of Endangered Species Act consultation.

A letter from the Montana Old-Growth Project stated that the organization supports the HCP and requested that all 12 present species be included in the plan. The concern of this organization is protection of old-growth habitat for wildlife.

Scientific Approach

The Friends of the Wild Swan stated that the HCP must favor the needs of the species, and that the HCP should be based on the best scientific information available. The USEPA also stated that the HCP should be based on well-regarded scientific principles.

Friends of the Wild Swan, along with Alliance for the Wild Rockies, requested surveys of plant, aquatic, and animal species to establish baseline conditions. Also requested by both organizations was a credible monitoring plan, and the organizations provided examples of the monitoring they recommended, monitoring thresholds to be established, and an outline of a monitoring plan. Trout Unlimited expanded on monitoring and stated that auditing and reporting should be conducted by the USFWS that included data validity, quality control, and quality assurance. The organization requested an independent oversight committee.

Grazing

Montana FWP requested that grazing be considered in the HCP. The agency recommended that a quality grazing system be established that includes vegetation seasonal rest from grazing during the season of rapid plant growth for two out of three years. The agency stated that rest rotation grazing systems, if followed correctly, have demonstrated benefits to improving vigor of native plants, providing better forage for livestock and improvements in forage; and that this benefit occurs for a variety of wildlife species.

Weed Management

Montana FWP recommended that weeds are mapped and a plan is developed for prioritizing and treating weeds to determine if containment or eradication is the best approach. The USEPA discussed the impacts of weed control chemicals on water quality, and the agency support integrated weed management. The agency desires that the EIS address how herbicides would be treated and includes a strategy for prevention, early detection of noxious weed invasion, and control procedures for each species. The agency provided measures to prevent noxious weed invasion of uninfested areas. Another individual mentioned that weeds and altered fire regimes are the greatest threat to the ecosystem. One person requested that *Howellia aquatilis* (a vascular plant) be included as an HCP species.

Fire and Air Quality

The USEPA requested a detailed analysis of air quality and fire. The agency supports judicious use of prescribed fire to control forest fuel accumulation and influence forest composition and structure. The agency provided specific direction on how to analyze fire and air quality in the EIS.

Vegetation

The USEPA also discussed wetlands and riparian areas. The agency stated that the HCP and EIS should ensure no overall net loss of wetlands, and that the impacts to wetlands be clearly described. The USEPA noted the benefits to aquatic resources that riparian areas provide and stated that the existing Forest Practice Rules do not provide the level of aquatic protection that is optimal for protection of aquatic habitat, including headwater streams. In addition, the USEPA stated that not enough large woody debris

is preserved under the current Forest Practice Rules. The agency also commented that not enough lapsed time occurs between timber harvests; thereby allowing too much harvest in the streamside management zone. The USEPA stated that the agency supports restoration of old-growth tree stands and the retention of adequate snags and woody debris. The agency requested that the EIS disclose the approach that will be followed under the HCP to retain and monitor snags and woody debris. An individual requested that all vegetation is considered in the HCP including understory herbaceous vegetation. He mentioned that this vegetation is very important to animals, particularly grizzly bears.

Friends of the Wild Swan stated that consideration should be given to the establishment of habitat reserves. The organization, along with Alliance for the Wild Rockies cited examples supporting this approach. The USEPA stated that the vegetation management regimes planned for the HCP address succession/disturbance regimes and processes. This analysis should include fuel loads, fire risk, forest type, stand densities, and species composition.

4.2.1.3 Water Quality

The USEPA also wanted to ensure that nonpoint source pollution, erosion, and sediment transport are addressed in the EIS. The agency, as well as Friends of the Wild Swan, requested that the process be consistent with the Clean Water Act and the development of total maximum daily loads (TMDLs). The agency stated that management under the HCP should ensure that implementation activities would not result in further long-term degradation of 303(d) listed waters. The USEPA also requested a detailed analysis of how the HCP would affect and protect public water supplies. In addition, the agency was concerned about ensuring cold clear water with large clean gravel and cobble substrate for bull trout.

4.2.1.4 Legislative Involvement

One individual stated that the Montana Legislature should be making the decision on whether to adopt an HCP. Another individual requested legislative oversight to ensure that the HCP is acceptable to all involved. If the state does elect to develop the HCP, then he suggested that it is only for 10 years, the adaptive management process is clearly defined, and legislative approval is obtained.

4.2.1.5 Alternative Development

Friends of the Wild Swan and Alliance for the Wild Rockies requested that a full range of alternatives be evaluated in the EIS. Trout Unlimited requested that alternative actions that avoid take be identified. The organization wanted to ensure that all reasonable precautions have been taken to reduce take, and that the USFWS consider all reasonable alternatives. The USEPA provided guidance on alternative development. A letter from the Montana Old Growth Project requested that the baseline conditions for the analysis be conditions similar to that described in the U.S. Forest Service Columbia River Basin Ecosystem Management Project.

4.2.1.6 Implementation of the HCP

Friends of the Wild Swan were concerned that the HCP conservation measures would not be implemented until the end of the HCP period. The organization requested that the measures be implemented throughout the entire HCP term. One individual was adverse to preparation of an HCP. He stated that an HCP could limit the ability to manage state lands, the likelihood of litigation could increase with an HCP, and he did not recommend working with the USFWS.

4.2.1.7 Process, Activities, and Permits

The Friends of the Wild Swan wanted the USFWS to ensure that Montana DNRC's land management activities are complementary with federal land management standards. Trout Unlimited mentioned that the HCP should consider more activities than just silvicultural activities, and to include mining, gravel operations, grazing, land sales, and other activities.

Trout Unlimited also stated that the HCP should be clear on how activities are mitigated on lands where there is mixed ownership.

The USEPA provided recommendations on the overall EIS process and approaches in preparing the EIS. Many of their recommendations are also recommendations included in the Counsel of Environmental Quality's (CEQ's) National Environmental Policy Act (NEPA) guidance. This includes the rigorous exploration of all reasonable alternatives, inclusion of mitigation measures, display of alternative information, use of maps and tables, and inclusion of monitoring and adaptive management. Trout Unlimited also mentioned adaptive management, and requested that adaptive management be reviewed concerning independent monitoring of critical indicators not subject to endless-loop triggers for biological relevance, statistical significance, or causal relationships.

The USEPA recommended specific resources to be covered in the EIS, and that the mitigation discussion includes identification of standard operating procedures. The agency also recommended that Executive Orders be addressed, specifically those that concern Indian Tribal Governments and Minority Populations. In addition, the agency recommended that the HCP process (as described in Section 10 of the Endangered Species Act) be rigorously followed. Other USEPA comments included selection of the HCP planning area, biological criteria to define success, approaches to address unforeseen circumstances, monitoring, and compliance with other federal requirements.

Trout Unlimited wanted to ensure that the HCP includes sufficient information demonstrating that the plan mitigates the impacts of taking to the maximum extent practicable. This would include an analysis of the cost of mitigation actions not taken.

Friends of the Wild Swan also requested that the USFWS independently evaluate Montana DNRC's timber resources and productivity and make its own determination regarding what silvicultural and nontimber land management practices would minimize and mitigate impacts to the HCP species to the maximum extent practicable. They wanted the USFWS to verify that the HCP includes measurable biological goals and an overall net benefit to the species.

4.2.1.8 50-Year Permit Term

A representative of the Montana Old Growth Project stated that a 50-year time frame is too ambitious and that it is difficult to predict changes in habitat and landscape over that period of time. Montana FWP and two other individuals also questioned whether the 50-year time frame is suitable for the agreement.

4.2.1.9 Roaded Access

One individual wanted to know if the HCP would include construction measures for roaded access both on Montana DNRC lands and other private/public lands accessing Montana DNRC parcels. The USEPA stated that HCP should include road management strategies, and the agency recommended minimization for new road construction to reduce adverse environmental effects. The agency commented that detailed information on planned road closures should be provided. The agency particularly emphasized the use of correctly sized culverts and bridges.

4.2.1.10 Cumulative Effects

Friends of the Wild Swan and Alliance for the Wild Rockies requested a cumulative effects analysis to address all federal and non-federal actions. The USEPA recommended following the CEQ 1997 guidance on cumulative effects.

4.2.1.11 Subdivision Development

The Friends of the Wild Swan and Alliance for the Wild Rockies are concerned about the potential for development on Montana DNRC forested trust lands. The organization wanted to ensure that development is considered in the HCP. Another individual wanted to know if there would be rules established for development.

Montana FWP recommends that no additional leasing of cabin sites occur in occupied grizzly bear habitat.

4.2.1.12 Miscellaneous

One individual, who was opposed to HCPs, advised the Montana DNRC to complete the HCP process as quickly as possible. Another individual wanted to know why a firm from outside the state of Montana was selected to help prepare the EIS. She also wanted to know whether Montana DNRC recognized that the agency needed an HCP but could not afford it, and therefore needed to obtain the funds through a grant. She would prefer that the state fund preparation of the HCP. One individual was concerned that land might be set aside for grizzly bears in the Coal Creek area, and was concerned that roads may be closed for grizzly bears. One individual stated that she did not want the state of Montana voluntarily working with a federal agency in developing this HCP. She stated that the state does not need more layers of staff. Another individual also echoed her concern stating that she was unhappy about how the U.S. Forest Service manages their forests, and did not want this approach used on state lands.

4.2.2 Written Comments Received from Internal Montana DNRC Staff

Comments from Montana DNRC staff included both questions on the HCP process, as well as suggested approaches for development of the HCP. Montana DNRC staff provided comments on the effectiveness of the existing grizzly bear conservation agreements and how these agreements might be affected by the proposed HCP. There was particular concern about obtaining access on roads currently closed due to existing grizzly bear conservation agreements.

4.2.2.1 Roads and Existing Conservation Agreements

Several comments concerned roads and existing conservation agreements. One employee stated that road closures preclude the ability to maintain existing drainage structures on historical roads. He wanted to ensure that closed roads with existing drainage structures would allow for Montana DNRC entry to inspect or maintain these structures. Other comments were focused on existing conservation agreements and road closures based on these agreements. Suggestions included reviewing road use and access based on seasonal use patterns. Opportunities include road usage based on bear presence with less road use during seasons when bears are present. In addition, it was suggested that management areas have a form of active management where roads are open for a defined number of years and then closed for a specific period of time.

More flexibility on road closures was requested by one individual. He mentioned that administrative uses on closed roads should be clearly identified. A substantial problem with the existing conservation

agreements is the application of the cost-share road systems and how the Montana DNRC does not have control over the timing and use on these roads. Most of these comments concerned the affect of existing grizzly bear conservation agreements on road closures. One individual stated that at least three alternatives should be considered in addition to the current conservation agreement and road closure strategy. These include the seasonal secure-area concept developed by the NCDE Access Task Force, the active/inactive concept being implemented by the Swan Valley Grizzly Bear Conservation Agreement, and the habitat-based alternatives that focuses solely on habitat value.

4.2.2.2 Snowmobiles and Human Access

Snowmobile use in high country was recommended as an activity to be managed under the HCP. Also suggested was a review of how human presence affects HCP species.

4.2.2.3 Development of Conservation Measures

Another individual was concerned about whether conservation measures for one species might conflict with the needs of another HCP species. Another comment expressed was the request that conservation strategies help to promote habitat conditions as opposed to restrictions on logging activities. A recommendation was that conservation measures should be based on sound science, rather than professional judgment. One person noted that Montana DNRC has historically taken a conservative approach to protecting species compared to other private applicants.

4.2.2.4 HCP Process and Application

Similar to the questions asked by the general public, one Montana DNRC employee asked how the HCP will address activities outside of direct forest management, how the sale of lands within the HCP will occur, and how the plan will address public recreational uses. Other process questions included how the USFWS intends to evaluate jeopardy for the HCP and that the agency's response would affect alternative conservation strategies.

One employee was concerned about the implementation costs of the HCP and how Montana DNRC staff would obtain continuing funds to implement the HCP over the permit time frame. It was also suggested that a more concise timeline with briefings and involvement periods be provided to Montana DNRC staff. Another employee suggested that Montana DNRC should involve more field-level managers in the development of alternative conservation strategies.

One individual wanted to ensure that all uses of forested lands were covered under the HCP, such as reclassifying the land or selling/exchanging state lands.

Suggestions included selecting alternatives based on realistic scenarios to ensure that advantages and disadvantages of each alternative were understood, as well as the use of a community-based advisory committee to provide insights, advice, and buy-in by constituents.

It was also suggested that the HCP incorporate changes needed for the existing administrative rules.

5. ISSUES

Through the scoping process, the public raised concerns about the potential impacts of implementing the HCP on the environment. Although many comments received from the public were in the form of questions or requests for information to be included in the EIS, some of the questions raised included interest in HCP elements that could be considered as issues focused on four key elements:

- the HCP permit period,
- species to be included in the HCP,
- land management activities to be covered in the HCP, and
- the HCP geographic coverage.

5.1 HCP PERMIT PERIOD

Questions at the public meetings centered on why the permit period of 50 years was selected. The USEPA recommended a shorter time period, such as 25 years, because the agency stated that the No Surprises policy might limit the ability to make mid-course corrections if conservation measures are found to be inadequate. The permit period was also questioned by different members of the public who noted that it would be difficult to anticipate landscape changes over a 50-year permit period. One person recommended a 10-year permit period.

5.2 HCP SPECIES

Some internal DNRC staff wanted to know why species that were not federally listed would be covered in the HCP, and whether these species could be added later when listed. The USEPA supported a multi-species approach. One individual requested that a plant species, *Howellia aquatilis*, is included in the HCP.

5.3 LAND MANAGEMENT ACTIVITIES

Question from the public centered on how land purchases, sales, land exchanges, and leases will be considered under an HCP. Road closures were brought up by citizens and DNRC employees during scoping meetings, as well as in letters. They were concerned that the HCP would result in more road closures and affect their recreational access to state lands or affect DNRC's ability to manage their lands. Others asked about how lands would be treated under the HCP for those areas that are primarily used for recreation and grazing, rather than timber management. People were also concerned about HCP obligations in areas of wildland/urban interface. The USEPA stressed the need to identify road management strategies to reduce adverse environmental effects. Other agency concerns included the need to address competing and unwanted vegetation, fuel loads, fire risk, and the need to eradicate noxious weeds and exotic plants. MFWP also stressed the need to develop HCP approaches to eradicate weeds. Other internal DNRC comments concerned conservation activities on forested lands, miscellaneous forest product sales, forest fire suppression, recreational uses, and special use permitting and licensing. Others asked whether residential and mineral development would be covered under the HCP.

5.4 HCP GEOGRAPHIC COVERAGE

In a letter from the USEPA, the agency stated its support of coverage for 700,000 acres of land. However, the agency also stated that the planning area must be appropriate to the planning effort, and HCP planning should consider the specific species range when developing conservation measures. The agency also recommended the need to coordinate management with other landowners across the landscape.